

Neil P. Reiff, Esq. Sandler, Reiff, Lamb, Rosenstein & Birkenstock, P.C. 1090 Vermont Avenue NW, Suite 750 Washington, DC 20005

NOV - 7 2018

RE: MUR 7466

Democratic Executive Committee of Florida and Francesca Menes in her official capacity as treasurer

Dear Mr. Reiff:

On October 30, 2018, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(b)(1) and (2), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650 or arobinson@fec.gov.

Sincerely,

Anne B. Robinson

Attorney

Enclosure
Conciliation Agreement

OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION AND 11: 40

In the Matter of)	
)	MUR 7466
Democratic Executive Committee of Florida)	
and Francesca Menes in her official	.)	
capacity as treasurer)	
)	•

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Based on information obtained by the Commission about the Committee's activity during the 2013-2014 election cycle, the Commission found reason to believe that the Democratic Executive Committee of Florida and Francesca Menes in her official capacity as treasurer ("Respondents" or "Committee") violated 52 U.S.C. § 30104(b)(1) and (2).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
 - III. Respondents enter voluntarily into this agreement with the Commission.
 - IV. The pertinent facts in this matter are as follows:
 - 1. The Committee is a state party committee of the Democratic Party.

- 2. Francesca Menes is the Treasurer of the Committee.
- 3. The Federal Election Campaign Act of 1971, as amended, requires committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).
- 4. These reports must include, *inter alia*, the total amount of receipts, including the appropriate itemizations, where required, and its cash-on-hand. See 52 U.S.C. § 30104(b)(2); 11 C.F.R. § 104.3(a).
- 5. On August 14, 2014, the Committee filed an Amended 2013 Year-End Report disclosing an ending cash-on-hand balance of \$108,308.06, and on the following day, the Committee filed an Amended 2014 February Monthly Report disclosing a beginning cash-on-hand balance of the same amount. More than three years later, on October 10, 2017, the Committee again amended its 2014 February Monthly Report, disclosing a beginning cash-on-hand balance of \$264,097.96, resulting in a cash-on-hand discrepancy of \$155,789.90.
- 6. On January 31, 2015, the Committee filed its original 2014 Year-End Report. The report disclosed \$85,467.00 on Line 18(a) (Transfers from Non-Federal Account) of the Detailed Summary Page. Nearly three years later, on October 20, 2017, the Committee filed an Amended 2014 Year-End Report, disclosing \$199,645.85 on Line 18(a) (Transfers from Non-Federal Account), an increase in receipts of \$114,168.85.
- 7. Respondents contend that the amendments made in connection with this matter resulted from an internal audit of the committee which resulted in amendments of all reports from 2014 to the present. Respondents further contend that the additional receipts disclosed on its 2014 Year-End Report were the result of their discovery that a transfer reported on its 2014 October Monthly Report was not actually made until December 3, 2014.

- V. Respondents violated 52 U.S.C. § 30104(b)(1) and (2) by disclosing a cash-on-hand discrepancy of \$155,789.90 and failing to disclose \$114,168.85 in increased activity.
- VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Eleven Thousand Five Hundred Dollars (\$11,500) pursuant to 52 U.S.C. § 30109(a)(5)(A).
- 2. Respondents will cease and desist from committing violations of 52 U.S.C. § 30104(b)(1) and (2).
- VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.
- VIII. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.
- IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.
- X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

MUR 7466 (Democratic Executive Committee of Florida) Conciliation Agreement Page 4 of 4

oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson **Acting General Counsel**

Associate General Counsel

For Enforcement

Date

FOR THE RESPONDENTS:

(Position)

Date